



General Assembly

January Session, 2005

Committee Bill No. 6142

LCO No. 3743

03743HB06142JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING FUNDING FOR FAMILY VIOLENCE VICTIM
ADVOCATES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 54-203 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) There is established an Office of Victim Services within the
4 Judicial Department.

5 (b) The Office of Victim Services shall have the following powers
6 and duties:

7 (1) To direct each hospital, whether public or private, to display
8 prominently in its emergency room posters giving notice of the
9 availability of compensation and assistance to victims of crime or their
10 dependents pursuant to this chapter, and to direct [every] each law
11 enforcement agency of the state to inform victims of crime or their
12 dependents of their rights pursuant to this chapter;

13 (2) To request from the office of the state's attorney, state police,
14 local police departments or any law enforcement agency such

15 investigation and data as will enable the Office of Victim Services to
16 determine if in fact the applicant was a victim of a crime or attempted
17 crime and the extent, if any, to which the victim or claimant was
18 responsible for his or her own injury;

19 (3) To request from the Department of Correction, other units of the
20 Judicial Department and the Board of Pardons and Paroles such
21 information as will enable the Office of Victim Services to determine if
22 in fact a person who has requested notification pursuant to section 54-
23 228 was a victim of a crime;

24 (4) To direct medical examination of victims as a requirement for
25 payment under this chapter;

26 (5) To take or cause to be taken affidavits or depositions within or
27 without the state;

28 (6) (A) To apply for, receive, allocate, disburse and account for
29 grants of funds made available by the United States, by the state,
30 foundations, corporations and other businesses, agencies or
31 individuals to implement a program for victim services which shall
32 assist witnesses and victims of crimes as the Office of Victim Services
33 deems appropriate within the resources available and to coordinate
34 services to victims by state and community-based agencies, with
35 priority given to victims of violent crimes, by [(A)] (i) assigning, in
36 consultation with the Division of Criminal Justice, such victim
37 advocates as are necessary to provide assistance; [(B)] (ii)
38 administering victim service programs; and [(C)] (iii) awarding grants
39 or purchase of service contracts in accordance with the plan developed
40 under subdivision (15) of this subsection to private nonprofit
41 organizations or local units of government for the direct delivery of
42 services, except that the provision of training and technical assistance
43 of victim service providers and the development and implementation
44 of public education campaigns may be provided by private nonprofit
45 or for-profit organizations or local units of government. Such grants

46 and contracts shall be the predominant method by which the Office of
47 Victim Services shall develop, implement and operate direct service
48 programs and provide training and technical assistance to victim
49 service providers; and

50 (B) On and after the effective date of this section, to provide the
51 court-based services to family violence victims that were funded on
52 March 31, 2005, under the federal Grants to Encourage Arrest Policies
53 Program;

54 (7) To provide each person who applies for compensation pursuant
55 to section 54-204, within ten days of the date of receipt of such
56 application, with a written list of rights of victims of crime involving
57 personal injury and the programs available in this state to assist such
58 victims. The Office of Victim Services, the state or any agent, employee
59 or officer thereof shall not be liable for the failure to supply such list or
60 any alleged inadequacies of such list. Such list shall include, but not be
61 limited to:

62 (A) Subject to the provisions of sections 18-81e and 51-286e, the
63 victim shall have the right to be informed concerning the status of his
64 or her case and to be informed of the release from custody of the
65 defendant;

66 (B) Subject to the provisions of section 54-91c, the victim shall have
67 the right to present a statement of his or her losses, injuries and wishes
68 to the prosecutor and the court prior to the acceptance by the court of a
69 plea of guilty or nolo contendere made pursuant to a plea agreement
70 with the state wherein the defendant pleads to a lesser offense than the
71 offense with which the defendant was originally charged;

72 (C) Subject to the provisions of section 54-91c, prior to the
73 imposition of sentence upon the defendant, the victim shall have the
74 right to submit a statement to the prosecutor as to the extent of any
75 injuries, financial losses and loss of earnings directly resulting from the
76 crime;

77 (D) Subject to the provisions of section 54-126a, the victim shall have
78 the right to appear before a panel of the Board of Pardons and Paroles
79 and make a statement as to whether the defendant should be released
80 on parole and any terms or conditions to be imposed upon any such
81 release;

82 (E) Subject to the provisions of section 54-36a, the victim shall have
83 the right to have any property the victim owns which was seized by
84 police in connection with an arrest to be returned;

85 (F) Subject to the provisions of sections 54-56e and 54-142c, the
86 victim shall have the right to be notified of the application by the
87 defendant for the pretrial program for accelerated rehabilitation and to
88 obtain from the court information as to whether the criminal
89 prosecution in the case has been dismissed;

90 (G) Subject to the provisions of section 54-85b, the victim cannot be
91 fired, harassed or otherwise retaliated against by an employer for
92 appearing under a subpoena as a witness in any criminal prosecution;

93 (H) Subject to the provisions of section 54-86g, the parent or legal
94 guardian of a child twelve years of age or younger who is a victim of
95 child abuse or sexual assault may request special procedural
96 considerations to be taken during the testimony of the child;

97 (I) Subject to the provisions of section 46b-15, the victim of assault
98 by a spouse or former spouse, family or household member has the
99 right to request the arrest of the offender, request a protective order
100 and apply for a restraining order;

101 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,
102 the victim of sexual assault or domestic violence can expect certain
103 records to remain confidential;

104 (8) Within available appropriations, to establish a victim's assistance
105 center which shall provide a victims' rights information clearinghouse
106 which shall be a central repository of information regarding rights of

107 victims of crime and services available to such victims and shall collect
108 and disseminate such information to assist victims;

109 (9) To provide, not later than January 1, 1994, a victims' notification
110 clearinghouse which shall be a central repository for requests for
111 notification filed pursuant to sections 54-228 and 54-229, and to notify,
112 on and after January 1, 1994, persons who have filed such a request
113 whenever an inmate has applied for release from a correctional
114 institution or reduction of sentence or review of sentence pursuant to
115 section 54-227 or whenever an inmate is scheduled to be released from
116 a correctional institution and, on and after January 1, 1994, to provide
117 victims of family violence crimes, upon request, information
118 concerning any modification or termination of criminal orders of
119 protection;

120 (10) To provide a telephone hotline that shall provide information
121 on referrals for various services for victims of crime and their families;

122 (11) To provide staff services to a state advisory council. The council
123 shall consist of not more than fifteen members to be appointed by the
124 Chief Justice and shall include the Chief Victim Compensation
125 Commissioner and members who represent victim populations,
126 including but not limited to, homicide survivors, family violence
127 victims, sexual assault victims, victims of drunk drivers, and assault
128 and robbery victims, and members who represent the judicial branch
129 and executive branch agencies involved with victims of crime. The
130 members shall serve for terms of four years. Any vacancy in the
131 membership shall be filled by the appointing authority for the balance
132 of the unexpired term. The members shall receive no compensation for
133 their services. The council shall meet at least six times a year. The
134 council shall recommend to the Office of Victim Services program,
135 legislative or other matters which would improve services to victims of
136 crime and develop and coordinate needs assessments for both court-
137 based and community-based victim services. The Chief Justice shall
138 appoint two members to serve as cochairmen. Not later than December

139 fifteenth of each year, the council shall report the results of its findings
140 and activities to the Chief Court Administrator;

141 (12) To utilize such voluntary and uncompensated services of
142 private individuals, agencies and organizations as may from time to
143 time be offered and needed;

144 (13) To recommend policies and make recommendations to agencies
145 and officers of the state and local subdivisions of government relative
146 to victims of crime;

147 (14) To provide support and assistance to state-wide victim services
148 coalitions and groups;

149 (15) To develop, in coordination with the Department of Social
150 Services, the Department of Public Health, the Office of Policy and
151 Management, the Department of Children and Families and the
152 Division of Criminal Justice, a comprehensive plan to more effectively
153 administer crime victims' compensation and coordinate the delivery of
154 services to crime victims, including the funding of such services. Such
155 plan shall be submitted to the Governor and the General Assembly not
156 later than January 1, 1994;

157 (16) Within available appropriations to establish a crime victims'
158 information clearinghouse which shall be a central repository for
159 information collected pursuant to subdivision (9) and information
160 made available through the criminal justice information system, to
161 provide a toll-free telephone number for access to such information
162 and to develop a plan, in consultation with all agencies required to
163 provide notification to victims, outlining any needed statutory
164 changes, resources and working agreements necessary to make the
165 Office of Victim Services the lead agency for notification of victims,
166 which plan shall be submitted to the General Assembly not later than
167 February 15, 2000;

168 (17) To provide a training program for judges, prosecutors, police,

169 probation and parole personnel, bail commissioners, officers from the
170 Department of Correction and judicial marshals to inform them of
171 victims' rights and available services; and

172 (18) To submit to the joint standing committee of the General
173 Assembly having cognizance of matters relating to victim services, in
174 accordance with the provisions of section 11-4a, on or before January
175 15, 2000, and biennially thereafter a report of its activities under this
176 chapter including, but not limited to, implementation of training
177 activities and mandates. Such report shall include the types of training
178 provided, entities providing training and recipients of training.

179 Sec. 2. (*Effective from passage*) The sum of ____ dollars is
180 appropriated to the Judicial Department, from the General Fund, for
181 the fiscal year ending June 30, 2005, for the purpose of funding
182 positions in the Office of Victim Services to provide court-based
183 services to family violence victims pursuant to section 54-203 of the
184 general statutes, as amended by this act, to offset the loss of federal
185 funding as of March 31, 2005.

186 Sec. 3. (*Effective July 1, 2005*) (a) The sum of four hundred twenty-six
187 thousand four hundred twenty-four dollars is appropriated to the
188 Judicial Department, from the General Fund, for the fiscal year ending
189 June 30, 2006, for the purpose of funding positions in the Office of
190 Victim Services to provide court-based services to family violence
191 victims pursuant to section 54-203 of the general statutes, as amended
192 by this act, to offset the loss of federal funding as of March 31, 2005.

193 (b) The sum of four hundred twenty-six thousand four hundred
194 twenty-four dollars is appropriated to the Judicial Department, from
195 the General Fund, for the fiscal year ending June 30, 2007, for the
196 purpose of funding positions in the Office of Victim Services to
197 provide court-based services to family violence victims pursuant to
198 section 54-203 of the general statutes, as amended by this act, to offset
199 the loss of federal funding as of March 31, 2005.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-203
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2005</i>	New section

Statement of Purpose:

To fund positions in the Judicial Department to provide court-based services to family violence victims in order to offset the loss of federal funding as of March 31, 2005.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. TRUGLIA, 145th Dist.; REP. SHAPIRO, 144th Dist.
 SEN. DEFRONZO, 6th Dist.; REP. REINOSO, 130th Dist.
 REP. NOUJAIM, 74th Dist.

H.B. 6142